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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,801	03/06/1999	LAWRENCE A. FISH	SGUS0007	2251

7590 01/05/2004

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
2611	2

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/263,801

**Applicant(s)**

FISH ET AL.

**Examiner**

Hunter B. Lonsberry

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-50 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

The Response filed on 10/9/2003 under 37 CFR 1.131 is sufficient to overcome the Kikinis reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,561,637 to Dan in view of U.S. Patent 6,510,557 to Thrift.

Regarding claim 1, Dan discloses a VOD push/pull media system for transmitting video to a number of clients 110 via network 120 from a video server 130, video may be pushed to client devices or a client may request a video block (Figure 1, column 1, lines 12-36, column 2, lines 16-36, 61-column 3, line 46). Dan does not disclose a confirmation/delivery application or a one way broadcast system. Thrift discloses, in Figure 1, a java enabled receiver 10 which has a bi-directional connection to the Internet 14 and a broadcast connection from a CATV system or DBS 26, the receiver 10 receives URLs associated with a webpage within the VBI, the receiver 10 then establishes a connection to a website via Internet connection 14 (column 2, line 36-column 3, line 40, column 4, line 54-column 5, line 8). The examiner takes official notice

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that the TCP/IP protocol may be used to transmit HTML and media information via the Internet and satellite links. TCP requires that an acknowledgement, called an ACK, be received from the destination machine upon successfully receiving the data. If the appropriate ACK is not received within a certain time limit, the packet is retransmitted. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Dan to utilize the one way broadcast system and bi-directional capability of Thrift in order to retrieve additional information related to a program, and to utilize the TCP/IP protocol to confirm the receipt of information and retransmit the information if it was not received, thereby ensuring that a user had the most up to date additional information and video.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not show nor sufficiently suggest a an audio video distribution system as claimed in claim 2, with one or more unidirectional bandwidth portions separate from the Internet, a push pull media server connected to the Internet and the unidirectional pathway, a number of affiliate computer systems with at least two affiliates having an Internet connection connected to the media server, a number of broadcast receivers connected to an affiliate computer system which receive audiovisual data via the unidirectional pathway from the push pull media server or may pull audiovisual information from the media server via the Internet.

U.S. Patent 5,561,637 to Dan discloses a VOD push/pull media system for transmitting video to a number of clients 110 via network 120 from a video server 130, video may be pushed to client devices or a client may request a video block (Figure 1, column 1, lines 12-36, column 2, lines 16-36, 61-column 3, line 46). Dan fails to disclose a confirmation/delivery application; a one way broadcast system, a number of affiliate computer systems as claimed by applicant.

U.S. Patent 6,510,557 to Thrift discloses, in Figure 1, a java enabled receiver 10 which has a bi-directional connection to the Internet 14 and a broadcast connection from a CATV system or DBS 26, the receiver 10 receives URLs associated with a webpage within the VBI, the receiver 10 then establishes a connection to a website via Internet connection 14 (column 2, line 36-column 3, line 40, column 4, line 54-column 5, line 8). Thrift fails to disclose a push pull system for digital audio video or image information, a number of affiliate computers and receivers as claimed by applicant.

U.S. Patent 6,052,554 to Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). Hendricks fails to disclose the network topology and push pull system as claimed by applicant.

The prior art of record does not show nor sufficiently suggest a an audio video distribution system as claimed in claim 3, with a dedicated high bandwidth pathway separate from the Internet, a push pull media server connected to the Internet and the unidirectional pathway, a number of affiliate computer systems with at least two affiliates having an Internet connection connected to the media server, a number of broadcast

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receivers connected to an affiliate computer system which receive audiovisual data via the high bandwidth pathway from the push pull media server and provide it to the affiliate, the affiliate may pull audiovisual information from the media server via the Internet.

U.S. Patent 5,561,637 to Dan discloses a VOD push/pull media system for transmitting video to a number of clients 110 via network 120 from a video server 130, video may be pushed to client devices or a client may request a video block (Figure 1, column 1, lines 12-36, column 2, lines 16-36, 61-column 3, line 46). Dan fails to disclose a confirmation/delivery application, a high bandwidth pathway, a number of affiliate computer systems as claimed by applicant.

U.S. Patent 6,510,557 to Thrift discloses, in Figure 1, a java enabled receiver 10 which has a bi-directional connection to the Internet 14 and a broadcast connection from a CATV system or DBS 26, the receiver 10 receives URLs associated with a webpage within the VBI, the receiver 10 then establishes a connection to a website via Internet connection 14 (column 2, line 36-column 3, line 40, column 4, line 54-column 5, line 8). Thrift fails to disclose a push pull system for digital audio video or image information, a number of affiliate computers and receivers as claimed by applicant.

U.S. Patent 6,052,554 to Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). Hendricks fails to disclose the network topology and push pull system as claimed by applicant.

The prior art of record does not show nor sufficiently suggest a an audio video distribution system as claimed in claim 4, with a dedicated one-way high bandwidth pathway separate from the Internet, a push pull media server connected to the Internet and the unidirectional pathway, a number of affiliate computer systems with at least two affiliates having an Internet connection connected to the media server, a number of broadcast receivers connected to an affiliate computer system which receive audiovisual data via the one-way high bandwidth pathway from the push pull media server and provide it to the affiliate, the affiliate may pull audiovisual information from the media server via the Internet.

U.S. Patent 5,561,637 to Dan discloses a VOD push/pull media system for transmitting video to a number of clients 110 via network 120 from a video server 130, video may be pushed to client devices or a client may request a video block (Figure 1, column 1, lines 12-36, column 2, lines 16-36, 61-column 3, line 46). Dan fails to disclose a confirmation/delivery application, a high bandwidth pathway, a number of affiliate computer systems as claimed by applicant.

U.S. Patent 6,510,557 to Thrift discloses, in Figure 1, a java enabled receiver 10 which has a bi-directional connection to the Internet 14 and a broadcast connection from a CATV system or DBS 26, the receiver 10 receives URLs associated with a webpage within the VBI, the receiver 10 then establishes a connection to a website via Internet connection 14 (column 2, line 36-column 3, line 40, column 4, line 54-column 5, line 8). Thrift fails to disclose a push pull system for digital audio video or image information, a number of affiliate computers and receivers as claimed by applicant.

U.S. Patent 6,052,554 to Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). Hendricks fails to disclose the network topology and push pull system as claimed by applicant.

The prior art of record does not show nor sufficiently suggest a an audio video distribution system as claimed in claim 21, with a dedicated high bandwidth pathway separate from the Internet, a push pull media server connected to the Internet and the unidirectional pathway, a plurality of production computer systems connected to the Internet, a number of affiliate computer systems with at least two affiliates having an Internet connection connected to the media server, a number of broadcast receivers connected to an affiliate computer system which receive audiovisual data via the high bandwidth pathway from the push pull media server and provide it to the affiliate, the affiliate may pull audiovisual information from the media server via the Internet, the producers may provide audio visual information via the Internet to the media servers.

U.S. Patent 5,561,637 to Dan discloses a VOD push/pull media system for transmitting video to a number of clients 110 via network 120 from a video server 130, video may be pushed to client devices or a client may request a video block (Figure 1, column 1, lines 12-36, column 2, lines 16-36, 61-column 3, line 46). Dan fails to disclose a confirmation/delivery application, a high bandwidth pathway, a number of affiliate computer systems, and producers as claimed by applicant.

U.S. Patent 6,510,557 to Thrift discloses, in Figure 1, a java enabled receiver 10 which has a bi-directional connection to the Internet 14 and a broadcast connection



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from a CATV system or DBS 26, the receiver 10 receives URLs associated with a webpage within the VBI, the receiver 10 then establishes a connection to a website via Internet connection 14 (column 2, line 36-column 3, line 40, column 4, line 54-column 5, line 8). Thrift fails to disclose a push pull system for digital audio video or image information, a number of affiliate computers, producers and receivers as claimed by applicant.

U.S. Patent 6,052,554 to Hendricks shows in Figure 1, a cable headend 208 which receives digital video via satellite link 206 and has a number of STB's 220 connected to it (column 8, line 9-column 9, line 20). Hendricks fails to disclose the network topology and push pull system as claimed by applicant.


Claims 2-50 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600